### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

APR 24 2008

Gregory P. WINTER, et al.

Atty. Ref.: 620-122; Confirmation No. 5109

Appl. No. 09/722,364

TC/A.U. 1636

U.S. Patent No. 6,545,142

Examiner: KETTER

Filed: November 28, 2000

For: SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS.

METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGANDS AND

**RECEPTORS** 

**April 24, 2008** 

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RECEIVED

APR 3 0 2008

Sir:

**OFFICE OF PETITIONS** 

### **RULE 182 PETITION**

Grant of the present Rule 182 Petition and the attached Request for Certificate of Correction, are requested.

The patentee in the above-identified patent requests that the Patent Office issues an official Certificate of Correction pursuant to Rule 323 for the following mistakes made by the applicants.

Specifically, the patentee has recently noted that the front page of the patent and the first paragraph of the patent text fail to correctly identify the parent Application No. 07/580,374 as a continuation of Application No. PCT/GB89/01344, filed November 15, 1989.

04/25/2008 SZEWDIE1 00000017 6545142

02 FC:1462

400.00 OP

Appl. No. 09/722,364

Atty. Ref.: 620-122

April 24, 2008

**RULE 182 PETITION** 

The present application was filed November 28, 2000, (i.e., prior to November 29, 2000) and was issued as U.S. Patent No. 6,545,142 on April 8, 2003.

The present application was filed with a copy of the Declaration from the parent Application No. 07/580,374 and a Preliminary Amendment to the specification which did not identify the benefit claim under 35 U.S.C. § 120 to Application No. PCT/GB89/01344.

While the parent Application No. 07/580,374 properly identified the relationship to the Application No. PCT/GB89/01344 in a Preliminary Amendment, the Declaration filed in Application No. 07/580,374 did not include the benefit claim to Application No. PCT/GB89/01344, under 35 U.S.C. § 120.

The specification has been amended in the attached draft Certificate of Correction to correct the cross-reference to the parent applications.

The undersigned is filing concurrently a Rule 78(a)(3) Petition and Amendment in related Application No. 10/290,233; Requests for Certificates of Correction and Rule 182 Petition in U.S. Patent No. 6,248,516; a Request for a Certification of Correction and Rule 78(a)(3) Petition in U.S. Patent No. 7,306,907; and an Amendment and Rule 182 Petition in each of Application Nos. 07/580,374, 07/796,805 and 08/332,046, which each claim benefit of Application No. PCT/GB89/01344, through the continuation Application No. 07/580,374.

In reviewing the priority claim for Application No. 10/290,233, the undersigned has now appreciated that the Patent Office records with regard to the priority claim to Application No. PCT/GB89/01344 in the present application and prior and subsequent

Appl. No. 09/722,364 Atty. Ref.: 620-122

**April 24, 2008** 

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applications is incorrect. A copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374 is attached. A copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805 is also attached.

The undersigned has spoken with Ms Hicks, formerly of the Patent Office, regarding a previous unrelated matter with similar circumstances and been directed to the following passage from the Patent Office web site

(http://www.uspto.gov/web/offices/dcom/olia/aipa/18monthfaq.htm#cx4):

CX14. Can applicant add a benefit claim of a prior-filed non-provisional application in a later-filed copending application that has been abandoned without filing a petition to revive the later-filed application? (added 4Feb2005)

Yes, a petition to revive the later-filed application is not required when applicant is adding a benefit claim by filing an amendment (or an application data sheet) to add the specific reference of the prior-filed non-provisional application. A petition under 37 CFR 1.78(a)(3), however, is required if the later-filed application is a utility or plant application filed on or after November 29, 2000. If the later-filed application is a utility or plant application filed before November 29, 2000, a petition under 37 CFR 1.182 is required.

More recently, the undersigned spoke with Mr. Tony Knight of the USPTO Petitions Branch, on March 6, 2008, to confirm that the Amendments and Petitions filed in the parent Application Nos. 07/580,374, 07/796,805 and 08/332,046, as well as the attached Petition in the above, should be sufficient to correct the PTO records with regard to the priority claim and relation to the PCT application.

Appl. No. 09/722,364

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**RULE 182 PETITION** 

The Petitions and Amendments in the now abandoned priority applications are being filed based on the above and, to the extent applicable, *Sampson v*.

Commissioner, 195 USPQ 136 (D.D.C. 1976).

The Rule 17(f) fee is being filed herewith (code 1462 - \$400). A Rule 20(a) fee is being filed herewith (code 1811 - \$100).

Correction of the Patent Office records with regard to the applicants claim for priority benefit and issuance of a Certificate of Correction in the above and grant of the present Petition, are requested.

The Office is authorized to charge the undersigned's Deposit Account No. 14-1140 for any deficiencies in fees required for consideration, grant and/or issuance of the present paper and attached.

The Office is requested to contact the undersigned in the event anything further is required in this regard.

Respectfully submitted,

**NIXON & VANDERHYE P.C.** 

Ву:	/B. J. Sadoff/
	B. J. Sadoff

Reg. No. 36,663

BJS:

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808 Telephone: (703) 816-4000 Facsimile: (703) 816-4100

Attached:

Transmittal Letter with Charge authorization, Draft Certificate of Correction,

Appl. No. 09/722,364 Atty. Ref.: 620-122 **April 24, 2008** 

**RULE 182 PETITION** 

copy of the PTO PALM IN APPLICATION DATA SHEET from the parent Application No. 07/580,374,

copy of the corrected Declaration filed April 15, 1993 in the parent Application No. 07/796,805,

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REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323.



In re Patent Application of

Gregory P. WINTER, et al.

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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## REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323

Grant of the concurrently filed Rule 182 Petition and the present Request for Certificate of Correction, are requested.

The patentee in the above-identified patent requests that the Patent Office issues an official Certificate of Correction pursuant to Rule 323 for the following mistakes made by the applicants.

Specifically, the patentee has recently noted that the front page of the patent and the first paragraph of the patent text fail to correctly identify the parent Application No. 07/580,374 as a continuation of Application No. PCT/GB89/01344, filed November 15, 04/25/2888 SZEWDIE1 08080817 6545142

01 FC:1811

100.00 OP

Appl. No. 09/722,364

Attv. Ref.: 620-122

April 24, 2008

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 CFR § 1.323

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**April 24, 2008** 

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April 24, 2008

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Respectfully submitted,

**NIXON & VANDERHYE P.C.** 

By:	/B. J. Sadoff/
	B. J. Sadoff
	Reg. No. 36,663

BJS:

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Transmittal Letter with Charge authorization,
Draft Certificate of Correction,
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Rule 20(a) fee (code 1811 - \$100), and

Rule 182 Petition.

### UNITED STATES PATENT AND TRADEMARK OFFICE

### CERTIFICATE OF CORRECTION

PATENT NO.

: 6,545,142

DATED

: April 8, 2003

INVENTOR(S)

: Gregory P. WINTER, et al

It is certified that error appears in the above-identified patent and that said letters patent is hereby corrected as shown below:

On the face, item (60): delete "Continuation of application No. 08/470,031, filed on Jun. 6, 1995, now Pat. No. 6,248,516, which is a divisional of application No. 08/332,046, filed Nov. 1, 1994, now abandoned, which is a continuation of application No. 07/796,805, filed Nov. 25, 1991, now abandoned, which is a division of application No. 07/580,374, filed Sep. 11, 1990, now abandoned.", and insert therefor -- Continuation of application No. 08/470,031, filed on Jun. 6, 1995, now Pat. No. 6,248,516, which is a divisional of application No. 08/332,046, filed Nov. 1, 1994, now abandoned, which is a continuation of application No. 07/796,805, filed Nov. 25, 1991, now abandoned, which is a division of application No. 07/580,374, filed Sep. 11, 1990, now abandoned, which is a continuation of application no. PCT/GB89/01344, filed Nov, 15, 1989.--

On the face, item (30), delete the following last line: "Nov 13, 1989 (GB) PCT/GB89/01344"

Column 1, lines 6-12, delete the following: "This is a continuation of application Ser. No. 08/470,031, filed Jun. 6, 1995, now U.S. Pat. No. 6,248,516, which is a divisional of Ser. No. 08/332,046, filed Nov. 1, 1994; now abandoned; which is a continuation of Ser. No. 07/796,805, filed Nov. 25, 1991 now abandoned, which is a divisional of Ser. No. 07/580,374, filed Sep. 11, 1990, abandoned the entire content of which is hereby incorporated by reference in this application." and insert the following therefor: --This is a continuation of application Ser. No. 08/470,031, filed Jun. 6, 1995, now U.S. Pat. No. 6,248,516, which is a divisional of Ser. No. 08/332,046, filed Nov. 1, 1994; now abandoned; which is a continuation of Ser. No. 07/796,805, filed Nov. 25, 1991 now abandoned, which is a divisional of Ser. No. 07/580,374, filed Sep. 11, 1990, abandoned,, which is a continuation of application no. PCT/GB89/01344, filed Nov, 15, 1989, the entire content of which is hereby incorporated by reference in this application.--

MAILING ADDRESS OF SENDER:

PATENT NO.

6,545,142

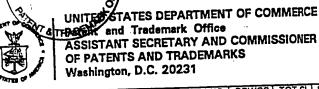
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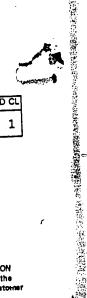
B. J. Sadoff NIXON & VANDERHYE P.C. 901 North Glebe Road, 11<sup>th</sup> Floor Arlington, Virginia 22203

Form PTO 1050 (Rev. 2-93)

PTO-103X (Rev. 7-93)

FILING RECEIPT





FIL FEE REC'D ATTORNEY DOCKET NO. DRWGS TOT CL IND CL GRP ART UNIT APPLICATION NUMBER FILING DATE 31 1 23 620-3 \$972.00 1805 11/01/94 08/332,046

NIXON & VANDERHYE 1100 NORTH GLEBE ROAD 8TH FLOOR ARLINGTON VA 22201

Receipt is acknowledged of this patent application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FRING DATE, NAME OF APPLICANT, and TITLE OF RIVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer data presented on this receipt. If an error is noted on this Filing Receipt with the changes noted thereon.

Applicant(s)

GREGORY P. WINTER, CAMBRIDGE, UNITED KINGDOM; ELIZABETH S. WARD, CAMBRIDGE, UNITED KINGDOM; DETLEF GUSSOW, CAMBRIDGE, UNITED KINGDOM.

CONTINUING DATA AS CLAIMED BY APPLICANT-THIS APPLN IS A CON OF 07/796,805 11/25/91

WHICH IS A DIV OF 67/580,374 09/11/90 ABN

11/11/88 8826444.5 FOREIGN/PCT APPLICATIONS-GREAT BRITAIN 03/16/89 8906034.7 GREAT BRITAIN 04/22/89 8909217.5 GREAT BRITAIN 05/15/89 8911047.2 GREAT BRITAIN 06/02/89 8912652.8 GREAT BRITAIN 06/16/89 8913900.0 GREAT BRITAIN 08/15/89 8918543.3 GREAT BRITAIN 11/13/89 PCT/GB89/01344 PCT

SINGLE DOMAIN LIGANDS, RECEPTORS COMPRISING SAID LIGANDS, METHODS FOR THEIR PRODUCTION AND USE OF SAID LIGATOS AND RECEPTORS

PRELIMINARY CLASS: 435



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# OFFICE OF PETITIONS

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if no prior	rity is claimed, bef	ore the filing date	e of this application:		
Prior Fore	ign Application(s):	,			
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			United Vinador		11 November 1988
8826444.5			United Kingdom United Kingdom		16 March 1989
8906034.7			United Kingdon		
8909217.5			United Kingdor		15 May 1989
8911047.2			United Kingdom		2 June 1989
8912652.8			United Kingdom		16 June 1989
8913900.0			United Vinados	1	15 August 1989
<u>8918543.3</u>	the benefit up	dor 35 II S.C. 120/3	CF of all prior limiter	States and PCT interna	tional applications listed above disclosed in such prior applica-
or perov a	the manner provided	hy the first parage	raph of 35 U.S.C. 112,	I acknowledge the duty	to disclose material information
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as defined national in Prior U.S. Application 07/580,37-PCT/GB89/U hereby delief and the like that such And I here 816-4000 and college and college and the like that such And I here 816-4000 and college and the like that such And I here 816-4000 and college and the like that such And I here 816-4000 and the 816-	(iling date of this ./PCT Application(s) on Serial No.  4  01344  declare that all state believed to be truston and are punishal willful false state by appoint HIXON & (to whom all communication) and with the creating and with the area with and with the content of the content	application:  latements made hereine; and further that the ble by fine or imprements may jeopardi YANDKRHYK P.C., liteations are to be so to prosecute the resulting materia.	Day/Month/Yea  1 September 1990  3 November 1989  n of my own knowledge t these statements wer isonment, or both, und ze the validity of the 00 North Glebe Rd., 8t directed), and the fol application and to tr Arthur R. Crawford.	are true and that all stee made with the knowledger Section 1001 of Title application or any pate before, Arlington, VA 2 lowing attorneys thereos ansact all business in 125327; Larry S. Nixon, 2	Status: patented, pending, shandoned of filing date of SN 07/796,805)  Abandoned  Latements made on information and ge that willful false statements and a 18 of the United States Code and ent issued thereon.  22201-4714, telephone number (703) if (of the same address) individually the Patent and Trademark Office con-25640; Robert A. Vanderhye, 27076;
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APR 3 0 2008

## **OFFICE OF PETITIONS**

670-3

Nixon & Vanderhye P.C. (6/92)

# RULE 63 (37 C.F.R. 1.63) DECLARATION AND POMER OF ATTORNEY FOR PATENT APPLICATION

•	IN THE UNIT	ED STATES PATENT AND TRADES	MARK OFFICE	
As a below named inventor, I h	mereby declare that my	residence, post office add	iress and citizenship a	re as stated below next to
I balines I om th	no original first and :	enie inventor (ii oniv one	Dalle 19 Tipnen peroas	Of Dit Offdimit's person min
joint inventor (if plural name	es are listed below) o	f the subject matter which	is claimed and for whi	ich a patent is sought on
STREET DOMAIN LIGARDS, RECEPTO	ORS COMPRISING SAID LI	GANDS, METHODS FOR THEIR P	RODUCTION AND USE OF S	AID LIGANUS AND RECEPTURES
the specification of which (cl	heck applicable box(s)	):		
1 ) is attached hereto.				
1X1 was filed on November 25		U.S. Application Serial No	. 07/796,805	<del></del> •
I I was filed as PCT international	tional application No.	. PCT/ on_		<del>•</del> • `
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tion for matent or inventor's	certificate baving a	filing date before that of	the application on wh	ich priority is claimed or,
if no priority is claimed, be	fore the filing date	of this application:		
Prior Foreign Application(s):	•			D 414 41 47 721-2
Application Number		Country		Day/Month/Year Filed
	,	United Kingdom		11 November 1988
8826444.5		United Kingdom		16 March 1989
8906034.7		United Kingdon		44 APT11 1303
<u>2709217.5</u>		United Kingdom		15 May 1989
8911047.2		United Kingdon		2 June 1989
8912652.8 8913900.0		United Kingdom		16 June 1989
2010542.0		United Kingdon		15 August 1989
I hamaba alaim the honofit my	nder 35 U.S.C. 120/365	of all prior United State	s and PCT international	l applications listed above
an halom and incofor on the	subject matter of eac	th of the claims of this ab	plication is not disci-	ozed til grett brior abbrica.
tions is the manner provided	hy the first maragrap	sh of 35 U.S.C. 112, I ackn	owledge the duty to al	ectose material intotmation
as defined in 37 C.F.R. 1.56	(a) which occurred bet	ween the filing date of th	e prior applications a	nd the national or PCT inter-
national filing date of this	application:	•	•	
Prior U.S./PCT Application(s	): <sup>*</sup>			Status: patented,
Application Serial No.		Day/Month/Year Filed		pending, abandoned
•	. ,, ,,	September 1990 Aband	oned (Pending as of fi	ling date of SN 07/796,805)
07/580,374	11 0	represented 1990 moditu	oned vicinding as or 11	
PCT/GB89/01344	13 N	lovenber 1989		Abandoned
I hereby declare that all sta	stements made herein c	of my own knowledge are tru	e and that all stateme	nts made on information and
belief are believed to be tru	ue: and further that t	hese statements were made	with the knowledge that	t willful false statements an
the like so made are punishal				
	ements may leonardize	the validity of the applic		sued thereon.
		the validity of the applic North Glebe Rd., 8th Floor	ation or any patent is	
	VANDERRYE P.C., 1100	North Glebe Rd., 8th Floor	ation or any patent is , Arlington, VA 22201-	4714, telephone number (703)
816-4000 (to whom all commun	VANDERHYE P.C., 1100 ications are to be dir	North Glebe Rd., 8th Floor rected), and the following	ation or any patent is , Arlington, VA 22201- attorneys thereof (of	4714, telephone number (703) the same address) individuall
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and collectively my attorneys nected therewith and with the	VANDERRYR P.C., 1100 ications are to be dir s to prosecute this ape e resulting patent:	North Glebe Rd., 8th Floor rected), and the following oplication and to transact arthur R. Crawford, 25327;	ation or any patent is, Arlington, VA 22201- attorneys thereof (of all business in the Pa Larry S. Nixon, 25640;	4714, telephone number (703) the same address) individuall tent and Trademark Office con Robert A. Vanderhye, 27076;
816-4000 (to whom all communiand collectively my attorneys nected therewith and with the James T. Hosmer, 30184; Robert	VANDERHYR P.C., 1100 ications are to be dir s to prosecute this ape e resulting patent: A rt M. Faris, 31352, Ri	North Glebe Rd., 8th Floor rected), and the following oplication and to transact Arthur R. Crawford, 25327; ichard G. Besha, 22770; Mar	ation or any patent is , Arlington, VA 22201- attorneys thereof (of all business in the Pa Larry S. Nixon, 25640; k E. Nusbaum, 32348; M	4714, telephone number (703) the same address) individuall tent and Trademark Office con Robert A. Vanderhye, 27076; ichael J. Keenan, 32106; Brya
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FOR ANDITIONAL INVENTORS, check box IX 1 and attach sheet with same information and signature and date for each.

RECEIVED APR 3 0 2008 OFFICE OF PETITIONS HARMUST PAST AND PASSES FILING DATE TENEBRE CI MANAGERES 日本 日の日本本土の日の日本のののの (本名の日本の日の日の) 第二日 LALM II APPLIOATTON FILE BATA COUN 3 SMESS 0 O 0 0 0 o COUNT THY CODE SUNG DATE (1) () (1) 4 () () 60 60 و د د 0 6 0 8 () ( '-( ') 0 () () دا: ر، ها: 1() <u>-</u> 8 28008E RECORE REDCAD 260095 REDCAL RECORE REDCER RECORD RECORD **CECCAD** <u> 3,500,80</u> RECORC RECORD PEDOFF RECORD ESCORD RECORD RECORD PROCEE 7 9 SOUTH ALTER STEEL OF THE STEEL C7 U/5803747 SUPPLEMENTAL SUPPLEMENTAL SOSING SHEET FOR MAT NO. 9 SURWALING B FORMATING, 8